



MassDEP's Revised Asbestos Regulation

The Massachusetts Department of Environmental Protection (MassDEP) has amended the Massachusetts Air Pollution Regulation (310 CMR 7.00 and 310 CMR 7.15) to update and streamline the environmental rules for managing asbestos in demolition and renovation projects. The revised regulations become effective on June 20, 2014. This fact sheet describes significant changes in the regulation.

What Remains the Same? The fundamental structure and conditions for notification and implementation of asbestos abatements in Massachusetts demolition and renovation projects has not changed.

What's New/Different?

1. **Pre-demolition/renovation survey:** MassDEP's regulation requires a survey of the area to be affected by a demolition or renovation project to be conducted before the project starts, to identify all material containing any amount of asbestos that is present in the facility or facility component to be demolished or renovated. Please note that there is a similar requirement in the federal Asbestos National Emission Standards for Hazardous Pollutants (Asbestos NESHAP). [Section 4 of the final regulation]
2. **New Notification Exemptions:** Certain types of very small asbestos abatement projects have been exempted from the requirement to notify MassDEP and the Massachusetts Department of Labor Standards (MA DLS) 10 days before work starts [Section (6)(f) of the final regulation]. These are:
 - Removal or disturbance of 100 square feet or less of exterior asbestos-containing cementitious shingles, siding and panels (but the regulation establishes specific work practices for these materials that must be followed to ensure that they will not cause or create a condition of air pollution).
 - Incidental maintenance projects involving 100 square feet or less of asbestos-containing floor tiles and related asbestos-containing mastics, or 32 square feet or less of asbestos-containing gypsum wallboard and/or joint compound.
 - Abatements of non-friable materials that are conducted by the owner of a single family residence, who also lives at that residence, as long as the non-friable material does not become friable and the project does not involve removing or disturbing more than 100 square feet of exterior asbestos-containing cementitious shingles, siding and panels.
3. **Post-abatement visual inspections:** To ensure that asbestos abatements are complete, a requirement for a visual inspection of the work area has been incorporated into the final regulation. This requirement was described in the draft regulation as "Clearance Monitoring", but was changed to a visual inspection in the final regulation to avoid a potential duplication of MA DLS's clearance monitoring requirement, which remains in effect in 453 CMR 6.15(5)(g). [Section 8 of the final regulation].

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4. **Work practices have been moved from MassDEP policies into the regulation:** Specific requirements for abating common types of asbestos-containing material that were previously established in MassDEP policies have been incorporated into the final regulation:

- Asphaltic roofing and siding [Section 10 of the final regulation],
- Window painting and repair that will disturb asbestos-containing glazing and/or caulking compounds [Section 11 of the final regulation],
- Exterior asbestos-containing cement shingles, siding, and panels [Section 12 of the final regulation], and
- Incidental Maintenance Projects involving asbestos-containing floor tiles, gypsum wallboard and joint compound [Section 13 of the final regulation].

5. **New permit for “Non-Traditional Asbestos Abatement Work Practice Approvals”:** A new permit has been established for “Non-Traditional Asbestos Abatement Work Practice Approvals,” which have previously been informally submitted as “alternative work practice approvals.” [Section 4 of the final regulation] This section lists the situations for which applications may be submitted, and makes MassDEP’s regulation consistent with the federal Asbestos NESHAP. The situations for which applications can be submitted to MassDEP are:

- Demolition of a facility under an order of a state or local government agency issued because the facility is structurally unsound and in danger of imminent collapse;
- Where ACM or ACWM was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed;
- Asbestos abatement activities that are conducted as part of an emergency renovation operation;
- Asbestos abatement activities that are conducted to clean up and decontaminate a facility or portion of a facility as a result of:
 - asbestos abatement activities not conducted in compliance with 310 CMR 7.15, or
 - ACM deterioration that, if not immediately attended to, presents a safety or public health hazard;
- In a facility that is being renovated, where wetting would unavoidably damage equipment or present a safety hazard; or
- Bulk loading ACM and/or ACWM.

A form that must accompany applications for Non-Traditional Work Practice Approvals is available on MassDEP’s web site (See “For More Information” below for a link).

6. **New Massachusetts Waste Shipment Record Forms:** Waste Shipment Records are required to accompany each shipment of Asbestos-Containing Waste Material from the site where the waste is generated to a disposal facility. The form needs to be signed by the generator, each transporter (if there is more than one), and the waste disposal facility operator, with a copy then returned to the generator as proof that the shipment arrived at the facility. If the generator does not receive a copy of the completed Waste Shipment Record within 45 days after the shipment left the site where it was generated, an investigation needs to be made into the status of the shipment and a report

filed with MassDEP. MassDEP has developed a template for Waste Shipment Records which can be used to produce four-part forms (please note that MassDEP will not make four-part forms available). See "For More Information" below for a link to the template. Haulers and disposal facilities can use up their supplies of their old forms, but must start using the new MassDEP form by January 1, 2015.

7. **New record-keeping requirements:** New record-keeping requirements have been established for pre-construction survey reports and for Asbestos-Containing Waste Material Waste Shipment Records.

Fee Changes (effective for submittals made on and after July 24, 2014):

- New fee for revising Asbestos Notification Forms (ANF-001/AQ-04 Form): \$35
- New fee for revising a Construction/Demolition Notification (AQ-06 Form): \$35
- Application for an Asbestos Blanket Notification (AQ-05 Form): \$200
 - Asbestos Notification Forms (ANF-001, AQ-04) submitted for each project under a Blanket Notification: \$100
- Application for Non-Traditional Asbestos Abatement Work Practice Approval: \$600

For More Information:

- Review the final regulation and Response to Comments received about the draft regulation:
<http://www.mass.gov/eea/agencies/massdep/air/regulations/310-cmr-7-00-air-pollution-control-regulation.html#3>
- Asbestos Forms (including the Application for Non-Traditional Asbestos Abatement Work Practice Approval and the Waste Shipment Record template:
<http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html#2>
- Contact the MassDEP Asbestos Program in the region that covers the municipality in which your project is located:
 - Central Regional Office: 508/792-7683
 - Northeast Regional Office: 978/694-3200
 - Southeast Regional Office: 508/946-2714
 - Western Regional Office: 413/755-1100
 - Find Your Regional Office:
<http://www.mass.gov/eea/agencies/massdep/about/contacts/>

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